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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte CHRISTOPHER P. BERGH, MICHAEL S. BAUER,
SIDRA MICHON, ZACK MILOUSHEV, KEVIN FURBISH,
CHARLES EVETT, GREGORY ERMAN and JOHN MANDEL

Appeal 2012-001796
Application 09/777,614
Technology Center 3600

Before: MURRIEL E. CRAWFORD, MEREDITH C. PETRAVICK, and
MICHAEL W. KIM, *Administrative Patent Judges*.

KIM, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

This is an appeal from the final rejection of claims 17-29, 31-38, 44-46, and 48-50. We have jurisdiction to review the case under 35 U.S.C. §§ 134 and 6 (2002).

The invention is directed to a system for managing and distributing offers (Spec. 1:10). Claim 17, reproduced below, is further illustrative of the claimed subject matter (some bracketed labeling has been added).

17. A computer implemented method for managing and distributing offers, the method comprising:

producing a plurality of marketing campaigns each comprising a plurality of offers selected from a set of offers to send to multiple targeted individuals;

selecting by one or more computers the offers to send for each of the plurality of marketing campaigns according to a determined channel allocation of offers specified by offer data processing rules, executed by the one or more computers, from which one or more of the offers are identified for targeting specific individuals; and

delivering the offers over channels to specific, targeted individuals of the multiple targeted individuals, with the channels and time of delivery of the offers based on execution of offer data processing rules and the allocation of the offers to the channels based on the determined allocations in each of the marketing campaigns with the channels being one of a plurality of different types of delivery channels.

Claims 17-29, 31-38, 44-46, and 48-50 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Benthin (US Pub. No. 2002/0035568 A1, pub. Mar. 21, 2002) in view of Langseth (US Pat. No. 6,694,316 B1, iss. Feb. 17, 2004).

We REVERSE.

FINDINGS OF FACT

Specification

FF1. Offer management system 100 supports delivery of offers to customers 110 through a wide variety of channels 140. In the discussion below, a number of these channels are specifically identified, but it should be understood that the invention is applicable to many more types of channels, some of which may not yet be commonly used. The channels include both traditional channels, such as direct postal mailings and solicitations by sales agents, as well as electronic channels, such as email and Web delivery, and could include channels such as personalized location-based delivery of advertising to handheld devices. In general, offers can be delivered to any particular customer 110 through multiple of these channels (para. [0026]).

Langseth

FF2. Langseth discloses a system and method for providing a plurality of channels of personal intelligence content to enable subscribers to more specifically choose the content they desire to receive. The database system may then provide a plurality of “channels” wherein each channel may comprise information and transactional data about a particular field of interest, such as business, weather, sports, news, investments, traffic, radio content, television content, and others. Subscribers may then sign up to receive output from one or more services from one or more of the channels of information. A service should be understood to be formatted content (col. 3, ll. 11-22).

FF3. Langseth discloses that with the proliferation of new means of communication like alphanumeric pages, alphanumeric phones, fax machines and email, communications with people anywhere at anytime have been enhanced. Langseth uses these communication mediums to enable people to make the right decisions, be delivering the information right into their hands through the use of a plurality of subject-based channel of information to which individuals may subscribe (col. 7, ll. 3-12).

FF4. In step 928, affiliate advertisements may be included in the service outputs. The advertisement selected may be personalized based on predetermined criteria including the subscriber information, the type of service or channel being run, the time of day, the time of year, and the like (Fig. 9; col. 27, ll. 45-58).

ANALYSIS

We are persuaded the Examiner erred in asserting that a combination of Benthin and Langseth renders obvious independent claim 17¹ (App. Br. 9-13; Reply Br. 1-3). Independent claim 17 recites “delivering the offers over channels to specific, targeted individuals of the multiple targeted individuals, with the channels and time of delivery of the offers based on execution of offer data processing rules and the allocation of the offers to the channels based on the determined allocations in each of the marketing campaigns with the channels being one of a plurality of different types of delivery channels.” Both the recitation of “delivery channels” in independent claim 17, as well

¹ As Appellants assert that independent claims 17, 31, and 33 stand or fall together and choose independent claim 17 as representative (App. Br. 9), we also choose independent claim 17 as representative of independent claims 17, 31, and 33. *See* 37 C.F.R. § 41.37(c)(1)(vii).

as paragraph [0026] of Specification, makes clear that the recited “channel” refers to ways/systems/techniques/modes for delivering content (FF1).

The Examiner cites step 928 of Langseth for disclosing the channels recited in independent claim 17 (Exam'r's Ans. 5-6, 9). However, the channels referred to in step 928 of Langseth refer to subject-based content channels (FF2, FF4), and not the ways/systems/techniques for delivering content channels set forth in independent claim 17. Indeed, Langseth specifically delineates between means for communication and subject-based channels (FF3), and only references the subject-based channels in step 928 (FF4).

Accordingly, we will not sustain the rejections of independent claims 17, 31, and 33, and their respective dependent claims.

DECISION

The decision of the Examiner to reject claims 17-29, 31-38, 44-46, and 48-50 is REVERSED.

REVERSED

JRG